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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,772	09/30/2003	Bettine Buechner	P2002,0821	6258

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EXAMINER
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GARBOWSKI, LEIGH M

ART UNIT	PAPER NUMBER
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2825

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/675,772

Applicant(s)

BUECHNER ET AL.

Examiner

Leigh Marie Garbowski

Art Unit

2825

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 17 and 18 is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/30/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, drawn to method for transmitting, classified in class 719, subclass 21.
- II. Claims 20-23, drawn to a circuit layout, classified in class 716, subclass 19.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as for communicating a measuring position to users and exposing the mask. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Werner Stemer on 11/03/2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Objections***

Claims 7, 10, 17, 18 are objected to because of the following informalities: as per claims 7 and 17, there is no antecedent basis for "circuit" [line 2], thus, what is meant by "providing" is unclear. As per claim 10, "one" [line 13] should be changed to -- first-- to clarify antecedent basis. As per claim 18, "positions" [line 4] should be singular to clarify the antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 3, 7, 9, taking claim 1 as exemplary, what is particularly meant by "measuring position" [lines 13 and 20] is not clear. The antecedent basis for "measuring position" [lines 13 and 20] is not clear; although the preamble sets out "at least one measuring position of a structural element for measuring a characteristic dimension in a microscope" [lines 1-3], the steps of the method as claimed do not provide antecedent basis for "measuring" or "measuring position" as recited [lines 13 and 20]. Thus, what is particularly meant by "measuring position" is vague and indefinite.

As per claim 19, what is particularly meant by "the measuring position" [lines 13-14, 18 and 24-25] is not clear. The antecedent basis for "the measuring position" [lines 13-14, 18 and 24-25] is not clear; although the preamble sets out "at least one measuring position of a structural element for measuring" [lines 1-2], the steps of the method as claimed do not provide antecedent basis for "measuring" or "the measuring position" as recited [lines 13-14, 18 and 24-25]. Thus, what is particularly meant by "the measuring position" is vague and indefinite.

The remaining claims, though not specifically mentioned, are rejected based on incorporating the errors of their respective base claim by dependency.

***Allowable Subject Matter***

Claims 10-18 are allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is a statement of reasons for the indication of allowable subject matter: although the prior art of record discloses the subject matter of defining a circuit layout, generating and allocating data regarding the circuit layout including measurement positions, transferring the data into a suitably formatted file, forming control instructions and exposing a mask according to the data recorded in the file, as described below in the prior art made of record, the prior art of record does not disclose, teach, or suggest completely a method for transmitting a circuit layout including at least one measuring position of a structural element for measuring a characteristic dimension, which element is about to be formed on a mask for lithographic projection, the method particularly comprising first, second and third user units as employed in the steps as recited in independent claim 10 in their totality.

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hasan [U.S. Patent Application Publication #2002/0165636] discloses generating data for measurement systems used in a semiconductor device manufacturing process. Mori [U.S. Patent #6,801,823 B2] discloses communicating measurement data for manufacturing semiconductor devices. Yamada et al. [U.S. Patent #6,711,453 B2] disclose managing the production of semiconductor devices. Brill et al. [U.S. Patent #6,704,920 B2] disclose process control including measurement data. Haffner et al. [U.S. Patent #6,631,511 B2] disclose generating mask layout data. Rinn [U.S. Patent #6,549,648 B1] discloses determining the position of a structural element on a substrate. Fujimoto et al. [U.S. Patent #5,933,350] disclose managing data for semiconductor device manufacture. Krivokapic et al. [U.S. Patent #5,646,870] disclose maintaining acceptable critical dimensions across each die in a mass-production line.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh Marie Garbowski whose telephone number is 571-272-1893 and e-mail is Leigh.Garbowski@uspto.gov. The examiner can normally be reached on days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEIGH M. GARŁOWSKI  
PRIMARY EXAMINER